

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CORI LYNN HOLMES,**

**Plaintiff,**

**V.**

**CROSSROADS JOINT VENTURE, an Indiana Partnership with, SIMON PROPERTIES GROUP, L.P., MS MANAGEMENT ASSOCIATES, Inc., a Foreign Corporation, OFFICER RUMMELL, OFFICER LEGGITT, and OFFICER CLARK,**

**Defendants.**

**CASE NO. 8:08CV04**

## ORDER

This matter is before the Court on the Plaintiff's Motion for Leave to File Plaintiff's Third Amended Complaint (Filing No. 34). The Court has reviewed the proposed amended pleading and, upon moving counsel's representation that opposing counsel did not object to its filing<sup>1</sup> and the absence of any clear opposition in Defendants' Statement,<sup>2</sup> finds that the Plaintiff's motion should be granted. Furthermore, based upon Defendants' representation of their intent to file an additional Motion to Dismiss in response to the anticipated filing of Plaintiff's Third Amended Complaint (Filing No. 42), the Defendants' pending Motion to Dismiss, Make More Definite and Strike (Filing No. 12) will be denied as moot. Accordingly,

<sup>1</sup>Plaintiff contends that the parties discussed the filing of an amended pleading during a May 30, 2008, status conference (Filing No. 34).

<sup>2</sup>The Court's June 3, 2008, Order (Filing No. 33) gave Defendants time to respond to Plaintiff's motion for leave to file an amended complaint and to address the effect that the proposed complaint would have on Defendants' pending Motion to Dismiss. Defendants' Statement (Filing No. 42) addressed only the latter issue.

IT IS ORDERED:

1. Plaintiff's Motion for Leave to File Plaintiff's Third Amended Complaint (Filing No. 34) is granted;
2. Plaintiff shall file and serve the Third Amended Complaint on or before June 27, 2008;
3. Defendants shall then respond to the Third Amended Complaint within the time allowed by Fed. R. Civ. P. 15(a); and
4. Defendants' Motion to Dismiss, Make More Definite and Strike (Filing No. 12) is denied as moot.

DATED this 20<sup>th</sup> day of June, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge